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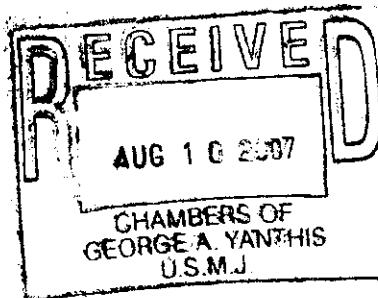
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August 10, 2007

VIA FACSIMILE

(914-390-4095)

Honorable George A. Yantthis
United States Magistrate Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150



Dear Judge Yantthis:

We represent the Defendant in the above-referenced matter. This matter was recently transferred from Manhattan district court, and is unassigned in White Plains district court. This correspondence is submitted jointly by the Parties to advise the Court regarding the current status of this matter.

Defendant has not yet filed a response to the Complaint. Instead, successive orders have been entered extending the deadline for Defendant to respond to the Complaint until today, August 10, 2007. During the interim period, the Parties engaged in meaningful good faith negotiations to resolve the case, and have reached an agreement to settle. Last week, the Parties finalized the terms of a written Confidential Negotiated Settlement Agreement ("Agreement"), and are in the process of executing the written Agreement. Once fully executed, the Parties will submit for *in camera* review a copy of the Parties' fully-executed Agreement so the Court may approve a jointly proposed Stipulation And Order Of Dismissal With Prejudice ("Stipulation"). The Parties will not be filing the Agreement.

As a result of the Parties' Agreement, Defendant will not be filing a response to the Complaint on August 10, 2007. Instead, the Parties intend to submit a Stipulation dismissing this case shortly. In the event the Court feels this letter should be filed with the Clerk, please advise and we will do so.

On behalf of the Parties, we appreciate the Court's assistance with this matter.

Respectfully submitted,

JACKSON LEWIS LLP

Jonathan M. Kozak

JMK/mrg

cc: William Coudert Rand, Esq., *Counsel for Plaintiff* (via facsimile)